

by Goodyear as a “self-critical examination within the company” performed “for the purposes of quality control.” (Robinson Depo. at p. 361: 9-15.)

4. Goodyear anticipates that Plaintiffs will not contest that the “Tread Throw Investigation” was an internal analysis voluntarily performed by Goodyear for the purposes of evaluating quality control given that their tire expert, David Southwell, agrees with that characterization in his own expert report. (ECF No. 171 at p. 9.) Nonetheless, Goodyear submits this additional testimony for the record.

5. Granting of this motion will not prejudice Plaintiffs in that: (a) the Motion was just recently filed; (b) Goodyear does not seek to inject new argument or legal authority into the record; and (c) the proffered exhibit testimony is brief and states facts already known to Plaintiffs and their expert.

WHEREFORE, for each of the foregoing reasons, Goodyear respectfully requests that the Court grant the present motion and deem Exhibit A to be incorporated as a supplement into Goodyear’s Memorandum of Law in Support of Motion in Limine to Exclude Evidence Pursuant to the Self Critical Analysis Privilege.

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CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with NECivR 7.1(d)(3) and further certify that the word count function was applied to include all text, including the caption, headings, footnotes, and quotations. This document was prepared using Microsoft Word 2010 and contains 635 words.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was filed with the Clerk of the Court and served upon all attorneys of record using the CM/ECF system this 7th day of February, 2020.

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